



## DECISIONS, NOTICES AND ORDERS

**Monday, November 26, 2012**

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

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### REHEARINGS

The Court took the following action on petitions for rehearing:

Richard Lee Gravely v. Macy's, et al., No. 11-0892 (Kanawha 11-CAP-10)  
Refused (5-0)

### MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

Phoenix Society of West Virginia, Inc. v. The County Commission of Hancock County,  
No. 11-1399 (Hancock 09-C-92)  
Affirmed (5-0)

Steve Sayre, Administrator of the Estate of Robert Keith Sayre v. Westfield Insurance Company,  
No. 11-1135 (Jackson 10-C-130)  
Affirmed (5-0)

Thomas A. Shoemaker Jr. v. Matthew Collin Everett, No. 11-1652 (Mineral 09-C-114)  
Affirmed (3-2) (Chief Justice Ketchum and Justice Benjamin dissenting)

James H. Henick v. Fast-Track Anesthesia Associates, LLC; Jessica Palumbo-Peretin, individually and as owner and director of Fast-Track Anesthesia Associates, LLC, No. 11-1145 (Berkeley 10-C-193)  
Affirmed (5-0)

### RULE 19 ARGUMENT GRANTED

The following cases are scheduled for Rule 19 oral argument on the dates stated:

SER West Virginia Department of Health and Human Resources v. The Honorable David J. Sims, Judge, et al., No. 12-1124 (Original Prohibition)  
February 5, 2013

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SER Joe E. Miller, Commissioner, WV Division of Motor Vehicles v. The Honorable Joseph C. Pomponio, Judge; and Erik T. Larson, No. 12-1253 (Original Prohibition)  
February 19, 2013

**ORDERS**

An order of note was entered in the following case:

CashCall, Inc. and J. Paul Reddem v. Darrell V. McGraw, Jr., Attorney General, No. 12-1274  
(Kanawha 08-C-1964)  
Motion for stay granted conditioned upon the posting of bond (5-0)